

REMARKS

Reconsideration and withdrawal of the outstanding rejections is requested in view of the foregoing amendments to the claims, and the following comments.

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Objection under 35 U.S.C. 132

The specification is objected to 35 U.S.C. 132 as introducing new matter. Specifically, the Office objects to the changes made to page 4 line 16 of the previous amendment. The applicant requests that the rejection be withdrawn in light of the amendment to the specification in this paper that cancels the additions.

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Objection and Rejection under 35 U.S.C. 112 (first paragraph)

The specification is objected to and claims 29 -32 stand rejected under 35 U.S.C. 112 (first paragraph) for failure to support the current claims of the invention. While the Office admits there is support in the original specification for a monolithic frame, the Office states there is no support for a monolithic main body.

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Applicant requests withdrawal of the objection and rejections in light of the amendments made herein.

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Rejection under 35 U.S.C. 112 (second paragraph)

Claims 29, 31 stand rejected under 35 U.S.C. 112 (second paragraph) for failure to distinctly point out and claim the subject matter which the applicant regards as the invention. Claim 29 is said to contradict the disclosure in that the partition are said to be non-diagonal with respect to the longitudinal side. The rejection is requested to be withdrawn in light of the amendments to the claims where in the term "non-diagonal" is removed. Claim 31 has also been modified to overcome the rejection in that "a focal point" is now recited.

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Rejection under 35 U.S.C. 102(b)

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Claims 33 and 41 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Caldwell. Applicant has amended the claims to now recite that the main body as defined in claim 33 is composed of a low x-ray absorbent material, and in claim 41 the main body is composed of a photosensitive glass material.

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Applicant submits that the recitations now introduced into claim 33 clearly distinguish over Caldwell. In the specification, the applicant has described a main body for the grid as being composed of photosensitive glass, which is of course a low x-ray absorbent material. Caldwell, on the other hand, discloses a grid that is constructed of lead, which is an x-ray absorbent material. Applicant points out that it

is this choice of an low x-ray absorbent material that helps give stability and strength to the grid structure. As is described in the Background section of the application, the x-ray absorbent material used in Caldwell ( i.e. lead), and x-ray absorbent materials in general, do not provide the strength that is exhibited by low x-ray absorbent materials. Furthermore, claim 33 emphasizes that the main body of the grid is covered by an x-ray absorbent layer. Caldwell certainly does not describe or suggest a grid that is covered by an x-ray absorbent material, since Caldwell's grid is already fabricated from x-ray absorbent material. To do so would be redundant

In addressing the rejection of claim 41, applicant incorporates the previous arguments, and further points that the claim calls for plates to cover and seal the x-ray transmissive cells. It is clear that Caldwell does not teach or even suggest that x-ray transmissive plates be used to cover the cells.

For the above reasons, applicant submits that the claims now distinguish over the Caldwell reference, and the rejection is requested to be withdrawn.

Rejection under 35 U.S.C. 103

Claims 29 - 32, 34 - 36

The Office has rejected claims 29-32, and 34-36 as being obvious over Caldwell stating that it would have been obvious for one to cover the main body of Caldwell with a x-ray absorbent layer to "eliminate x-ray scattering therefrom".

Applicant fails to understand the motivation to cover the *x-ray absorbent* grid of Caldwell with *another x-ray absorbent layer* . Applicant points out that the grid of Caldwell is *already* constructed of a x-ray absorbent material, namely *lead*.

Covering the Caldwell grid with a further x-ray absorbent material suggests no additional beneficial properties to the combination. ***It adds insignificant strength, since x-ray absorbent materials do not possess the stability and strength, required to stabilize the grid. It does not make it more absorbent. It is already absorbent.***

Consequently, Applicant suggests that there is no motivation for one of ordinary skill in the art to combine Caldwell with an additional x-ray absorbent layer, since the grid is already absorbent.

Furthermore, neither Caldwell nor any combination of the cited references suggest or teach that a low x-ray absorbent layer, such as photosensitive glass, be enclosed with a monolithic frame, as called for in claim 29, to provide additional support for the structure, and then enclosed in an x-ray absorbent material to eliminate scattering of the x-rays.

Applicant submits that with the current amendments to the claims, the claims are patentable and clearly distinguish over Caldwell. The rejection is requested to be withdrawn.

Claims 37 - 39

The Office has also rejected claims 37 - 39 under 35 U.S.C. 103, as being unpatentable over Caldwell in light of Millenaar. The Office states that while  
5 Caldwell does not disclose a grid having a covering, Millenaar does disclose a cover for a grid. It would thus be obvious for one to cover the grid of Caldwell with a cover as disclosed by Millenaar.

In addressing this rejection., applicant incorporates into this response the previous comments as pertaining to Caldwell. Specifically, applicant points out that  
10 Caldwell does not teach a main body composed from a low x-ray absorbent material such as photosensitive glass which is enclosed by an x-ray absorbent material. Further, while Millenaar discloses a cover for his linear grid, he does so in the context of the manufacture of a composite material from which an x-ray grid may be constructed. He does not teach or even suggest, as the claims recite, that the cover  
15 designed to enclose layers of the grid material also ***cover and seal the cells*** provided in the main body of a grid in order to give additional structure to the grid, and also seal the cells to contain either a gas or sustain a vacuum therein.

Claims 40 and 42 were rejected as being obvious over Caldwell in  
20 light of the Mattsson reference. The Office submits that it would have been obvious to fabricate the grid as taught by Caldwell with partitions angled as described in Mattsson to achieve greater performance.

Applicant initially points out that claims 40 and 42 are dependent claims that depend on claims 33 and 41 respectfully. Consequently, applicant  
25 incorporates herein the arguments previously put forth to address and traverse the obviousness rejection of these independent claims. Further, applicant points out that in the present application the cells are angled oblique to one edge of the grid so that simple rectilinear motion parallel to that edge causes the cells to move at the Mattsson angles. In contrast, Mattsson describes a ***conventional grid*** with the cells  
30 having sidewalls parallel to the edges of the grid. This conventional grid is then moved in manner so that the cells have a trajectory over a patient in agreement with the Mattsson angles.

Rejection for Obviousness-type Double Patenting

35 Claims 29 - 42 were provisionally rejected under the judicially created doctrine of obviousness- type double patent in that the Office asserts that the claims recited in s.n. 08/583,437 and the claims of the instant application are obvious in light of each other. Applicant acknowledges the provisional rejection, but since it is provisional will not address the matter at this time.

Conclusion

Applicant now believes that the application is in a condition for allowance and earnestly requests the same. If the Office believes that a telephone interview would expedite prosecution, applicant's attorney would welcome such an interview.

Respectfully submitted,



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